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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,582	01/06/2000	TATSUMARO YAMASHITA	9281/3519	1875

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EXAMINER

DOLAN, JENNIFER M

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 09/27/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/478,582

Applicant(s)

YAMASHITA, TATSUMARO

Examiner

Jennifer M. Dolan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,175,726 to Imokawa.

Imokawa discloses an optical disk cartridge (column 1, lines 10-15) comprising a casing (1) having a pair of walls (1a, 1b) for accommodating an optical disk therein. The walls of the casing are formed with clamping windows (central part of 3 in figure 7) for clamping the disk at the central portions, and with reading/writing windows (rectangular part of 3 in figure 7) for reading information from the disk and writing information on the disk (column 2, lines 49-50), the reading/writing windows extending from the clamping windows to the side edges of the casing (figure 7). A shutter capable of opening and closing the clamping windows and reading and writing windows (column 2, lines 51-52) is slidably provided. Imokawa further discloses that a lateral width of the clamping windows as measured along a line intersecting a rotational axis of the optical disk and parallel to a sliding direction of the shutter (from left to right in figure 7) is formed shorter than a longitudinal length of the clamping windows as measured along a line intersecting the rotational axis of the optical disk and orthogonal to the sliding direction of the shutter (figure 7).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imokawa.

Regarding claim 2, Imokawa discloses a pair of opposing linear portions (figure 7) extending orthogonal to the sliding direction of the shutter (figure 7). It is inherent that the length of the clamping windows can be defined by arcuate portions connected to the linear portions (the length would extend from the bottom of the circular portion of the window in figure 7 of Imokawa to an arcuate portion connecting the uppermost ends of the linear portions. Imokawa further discloses that the distance between the linear portions is shorter than a diameter of the arcuate portions (figure 7). Imokawa fails to disclose that the width of each clamping window is defined by a pair of opposing linear portions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cartridge of Imokawa such that the width of each clamping window is defined by a pair of opposing linear portions. The rationale is as follows: One of ordinary skill in the art at the time the invention was made would have been motivated to define the width of the clamping window using the linear portions, because the spacing between the linear portions is approximately equal to the width of the clamping window through the disk rotational axis

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(figure 7), and thus it would cause little change in shape or dimension to define the width across the linear portions, rather than across the disk rotational axis.

Regarding claim 3, Imokawa fails to disclose the dimensions of the diameter of the arcuate regions of the clamping windows. From figure 7, the clamping window of Imokawa is considered to have a diameter of about 30-40 mm. Assuming *arguendo*, the clamping window of Imokawa does not have a diameter of the arcuate regions  $27.4 \text{ mm} \pm 2 \text{ mm}$ .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify arcuate diameter dimensions of Imokawa in the range of 26 mm to 30 mm. The motivation is as follows: The clamping window must have sufficient size to allow the hub of the disk driving unit to access and spin the disk. A large clamping window, however, necessitates a larger shutter that must slide a greater distance in order to permit access to the clamping and read/write windows, which can cause the shutter to protrude from the side of the disk. A skilled artisan would have been motivated to specify a diameter of the clamping window of about 28 mm, because it would allow sufficient access room for the disk driver hub, while remaining small enough that the shutter doesn't protrude from the side of the disk when fully open.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imokawa in view of U.S. Patent No. 5,166,922 to Akiyama et al.

Imokawa fails to disclose projections for narrowing the width of the reading and writing windows, which are formed on a juncture of the clamping windows and the reading and writing windows.

Akiyama et al. disclose projections (between 8 and 9 in figures 1 and 2) for narrowing the width of the reading and writing windows (9), which are formed on the border of the clamping windows (8) and the reading and writing windows (figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disk cassette of Imokawa so that it includes the projections taught by Akiyama et al. The rationale is as follows: The projections taught by Akiyama cause the disk cartridge to remain centered on the disk when the disk is held on the spindle of the disk drive, which prevents the disk from abutting against the inner surface of the cartridge. It would have been obvious to add the projections taught by Akiyama to prevent the disk cartridge from damaging the disk.

### *Response to Arguments*

6. Applicant's arguments filed 6/27/02 have been fully considered but they are not persuasive.

On page 4 of Amendment C, filed 6/27/02, applicant asserts that "In particular, and as shown in Imokawa, the clamping window clearly has an opening of equal width and length. In other words, the clamping window disclosed in Imokawa has a circular shape with a constant radius as measured from the center of the disk. The overall width of the clamping window (as measured horizontally in Fig. 6) is therefore equal to the length of the clamping window (as measured vertically in Fig. 6). Accordingly, Imokawa fails to disclose or suggest the limitations of claim 1..."

This argument is not persuasive, in that claim 1 does not clearly delineate the boundary between the clamping window and the reading and writing window, and thus the parameter of claim 1 of a “longitudinal length of the clamping windows as measured along a line intersecting the rotational axis of the optical disk and orthogonal to the sliding direction of the shutter” is given a very wide latitude in interpretation. The applicant points to figure 11 as a preferred embodiment which defines the length and width of the clamping windows (Amdt. C, page 4). In this embodiment, the clamping window extends to an arcuate boundary (dotted arc at the top of clamping window in figure 11) formed by connecting two linear portions (3u, 2u) attached to the substantially circular main clamping portion. This is not dissimilar to the embodiment in figure 7 of Imokawa, in which the clamping window is considered to extend to an arcuate portion formed by connecting the two linear portions adjoining the circular main clamping portion (see item 4, claim 1 rejection in office action mailed 3/4/02). Because the boundary between the clamping window and the reading/writing window was not specified in the claims, it is reasonable to define the boundary between the clamping window and the reading/writing windows of Imokawa in a similar manner to the applicant’s embodiment in figure 11. Hence, the length of the clamping window of Imokawa, as defined in this manner, is greater than the width of the clamping window.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Remarks: The addition of constraints upon the width and linear portions of the clamping windows necessitated new grounds of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Dolan whose telephone number is (703) 305-3233. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



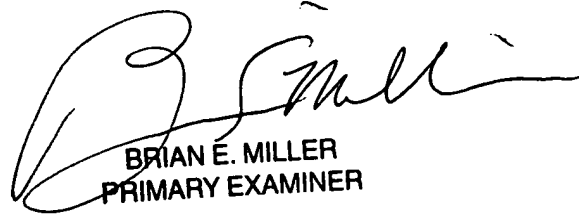
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Jennifer M. Dolan  
Examiner  
Art Unit 2652

jmd  
September 17, 2002



BRIAN E. MILLER  
PRIMARY EXAMINER